HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.20076 of 1994

Date: 06.12.2006

Between:

A.Raju Babu

.... Petitioner

A n d

The General Manager,
The Girijan Cooperative Corporation Limited,
China Waltair, Visakhapatanm and two others

...Respondents

HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.20076 OF 1994

ORDER:

The petitioner herein seeks regularization of his service as a Junior Typist in the respondent-Corporation.

Sri Koka Raghava Rao, learned senior counsel appearing on behalf of the petitioner, would refer to the service certificates, enclosed to the affidavit filed in support of the writ petition, to submit that the petitioner worked continuously from 01-01-1989 to 26-06-1994 for a period in excess of five years.

Sri N.Sridhar Reddy, learned Standing Counsel for the respondent Corporation, would refer to the specific averments in the counter-affidavit, that the petitioner had worked only from June, 1989 to September, 1992 as an NMR Typist. According to the Standing Counsel, since the petitioner had not even completed

five years of service, let alone before 25-11-1993, the petitioner was not entitled to the benefits of regularization under G.O.Ms.No.212, dated

22-04-1994. The condition stipulated in G.O.Ms.No.212 dated 22-04-1994, that an employee should have completed five years of service as on 25-11-1993, was the subject matter of challenge before this Court and the matter is now pending before the Hon'ble Supreme Court, as to whether this five years of service is required to be reckoned prior to

25-11-1993 or whether it would suffice if an employee has rendered five years in all including the service after

25-11-1993. In the present case, there is a dispute as to whether the petitioner has, in fact, rendered five years of service. It is not for this Court, in proceedings under Article 226 of the Constitution of India, to examine these disputed questions of fact. Suffice it to state that if the petitioner submits a detailed representation, enclosing thereto the necessary documentary evidence in support of his contention that he had rendered service as an NMR Typist from 01-01-1989 to 26-06-1994, the first respondent shall consider his case for regularization, in terms of G.O.Ms.No.212 dated 22-04-1994, and pass appropriate orders within three months from the date of receipt of a copy of the representation.

Writ petition is disposed of accordingly. No costs.

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RAMESH RANGANATHAN,J

Dt.06-12-2006

Note:
CC in one week.
B/o Lrkm.